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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,383	04/15/2004	Michael J. Shanor	380-177	8453
1009	7590	05/25/2007		
KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507			EXAMINER SNIDER, THERESA T	
			ART UNIT 1744	PAPER NUMBER
			MAIL DATE 05/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/825,383

**Applicant(s)**

SHANOR ET AL.

**Examiner**

Theresa T. Snider

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8-9, 11-12, 15, 17-18 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7, 10, 13, 14, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-2, 6, 8, 11, 15 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lackner et al.(4,653,638).

Lackner et al. discloses a body (fig. 1, #10).

Lackner et al. discloses a first means/wand receiver on the body for holding a wand (fig. 2, #13).

Lackner et al. discloses a second means/cleaning tool receiver in the first means/wand receiver for holding a cleaning tool (fig. 5, #33b).

With respect to claim 6, Lackner et al. discloses the wand receiver including a socket (fig. 2, #13).

With respect to claims 8 and 17, Lackner et al. discloses the socket including an end wall (fig. 4, #21).

With respect to claim 15, Lackner et al. discloses the first receiver including a socket (fig. 2, #13).

3. Claims 1-3, 6, 11-12, 15 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tomasiak(5,528,794).

Tomasiak discloses a body (fig. 5, #3).

Tomasiak discloses a first means/wand receiver on the body for holding a wand (fig. 4, #25).

Tomasiak discloses a second means/cleaning tool receiver in the first receiver for holding a cleaning tool (fig. 4, #29).

With respect to claims 3 and 12, Tomasiak discloses a lug (figs. 3-4, unnumbered element to left of #17).

With respect to claim 6, Tomasiak discloses the wand receiver including a socket (fig. 4, #25).

With respect to claim 15, Tomasiak discloses the first receiver including a socket (fig. 4, #25).

With respect to claim 23, Tomasiak discloses a vacuum cleaner including the tool holder (fig. 1, #5).

4. Claims 1-2, 6, 8-9, 11, 15, 17-18 and 21-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Berfield(5,313,686).

Berfield discloses a body (fig. 2, #52).

Berfield discloses a first means/wand receiver on the body for holding a wand (fig. 2, #64).

Berfield discloses a second means/cleaning tool receiver in the first receiver for holding a cleaning tool (fig. 6, #68, col. 2, lines 38-40).

With respect to claim 6, Berfield discloses the wand receiver including a socket (fig. 2, #64).

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With respect to claims 8 and 17, Berfield discloses the socket including an end wall (fig. 6, unnumbered wall at end of #64).

With respect to claims 9 and 18, Berfield discloses the cleaning tool receiver in the end wall (fig. 6, #68).

With respect to claim 15, Berfield discloses the first receiver including a socket (fig. 2, #64).

With respect to claims 21-23, Berfield discloses a vacuum cleaner including the tool holder (fig. 1, #26).

#### ***Allowable Subject Matter***

5. Claims 4-5, 7, 10, 13-14, 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments filed 3/7/2007 have been fully considered but they are not persuasive. Applicant argues the prior art fails to disclose a cleaning tool receiver in a wand receiver. This argument is not persuasive because Lackner et al. discloses a first receiver in a body being the walls of the openings (fig. 3, #32a,b). Lackner et al. discloses a second receiver in the first receiver (fig. 5, #33b). The second receiver receives a tool (col. 4, lines 13-23). This argument is not persuasive because Tomasiak discloses a first receiver in a body being the walls of the openings (fig. 4, #25). Tomasiak discloses a second receiver in the first receiver (figs. 3-4,

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#29). One could place a cleaning tool within the second receiver/projection or the tool could be engaged by the outer surface of the second receiver/projection. This argument is not persuasive because Berfield discloses a first receiver in a body being the walls of the receptacle (fig. 2, #66). Berfield discloses a second receiver/post in the first receiver (figs. 3 and 6, #68). A cleaning tool could be engaged by the outer surface of the second receiver/post.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**THERESA T. SNIDER  
PRIMARY EXAMINER**

Theresa T. Snider  
Primary Examiner  
Art Unit 1744

5/18/07